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OFFICE OF PETITIONS

In re Application of :
Blackham et al. :
Application No. 09/881,478 : DECISION GRANTING PETITION
Filed: 14 June, 2001 :
Att'y Docket No. GJ-223J :

This is a decision on the petition styled under 37 CFR 1.181, filed on 20 December, 2002, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application be accorded a filing date of 14 June, 2001, with six (6) sheets of drawings as a part of the original disclosure.

On 16 August, 2001, the application was filed.

On 27 November, 2002, Initial Patent Examination Division mailed a "Notice of Incomplete Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, on 20 December, 2002, the present petition, a \$130.00 petition fee, and, *inter alia*, six (6) sheets of drawings were filed. Petitioner argues that six (6) sheets of drawings were filed with the other application papers on 14 June, 2001, and that the drawings were misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt which shows an Office stamp of 14 June, 2001, and the above-identified application number, and acknowledges receipt of, *inter alia*, "6 pgs. drawings" was supplied with the present petition. Petitioner requests that the application, including six (6) sheets of drawings, be accorded a filing date of 14 June, 2001.

Upon review of the record, no sheets of drawings deposited on 14 June, 2001, have been located among the application papers.

However, the evidence is convincing that the application papers deposited on 14 June, 2001, included six (6) sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including six (6) sheets of drawings, was complete on filing and entitled to a filing date of 14 June, 2001.

In view of the above, the petition is granted. The six (6) sheets of drawings submitted with the petition will be used for processing and examination purposes. The petition fee is unnecessary and will be refunded to counsel's deposit account, No. 09-0002.

The "Notice" mailed on 27 November, 2002, was sent in error and is hereby withdrawn.

The application is being returned to Initial Patent Examination Division for processing with a filing date of 14 June, 2001, using the application papers filed on that date, and the six (6) sheets of drawings supplied on 20 December, 2002, and for an indication on the bib-data sheet that six (6) sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to the undersigned at 703 308-6918.



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